

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

HANNAH SABATA, et al.,

Plaintiffs,

v.

**NEBRASKA DEPARTMENT OF
CORRECTIONAL SERVICES,
et al.,**

Defendants.

Case No. 4:17-CV-3107

**DECLARATION OF
SCOTT R. FRAKES**

I, Scott R. Frakes, declare as follows:

1. I am the Declarant herein. I am twenty-one (21) years of age or older and I am competent to testify to the matters set forth herein. I make these statements with the knowledge that this Declaration may be presented to and relied upon by the United States District Court for the District of Nebraska in its determination in the above-captioned matter.

2. The statements set forth in this Declaration are true and accurate based upon my own personal knowledge and belief.

3. I am currently employed as the Director of the Nebraska Department of Correctional Services ("NDCS") and have served in that capacity since 2015. I have more than thirty-seven years of hands-on experience in the field of corrections.

4. As Director for NDCS, I am responsible for establishing and administering policies and programs for the safety of persons committed to NDCS' custody and control. *See* Neb. Rev. Stat. § 83-173. In carrying out my responsibilities

as Director, I have initiated and overseen numerous measures to prepare for and respond to the 2019 novel coronavirus SARS-CoV-2 (“COVID-19”).

5. I am aware of the *Sabata* litigation, including the emergency motion Plaintiffs’ counsel recently filed requesting this Court order NDCS to publicly produce its COVID-19 response plan and any facility-specific quarantine documents, alleging that NDCS is not properly prepared to prevent and manage the spread of COVID-19 in its facilities. These allegations are inaccurate.

6. In addition to the various NDCS communications, updates, memorandums, media releases, and other COVID-19-related documentation Plaintiffs offered in support of their motion, additional exhibits relating to NDCS’ measures to prepare, prevent, and manage COVID-19 in NDCS facilities are attached to this declaration.

7. At my direction, NDCS has implemented and continues to implement the following measures to prepare, prevent, and manage COVID-19 in NDCS facilities, including many of the Centers for Disease Control and Prevention (“CDC”) guidelines specific to correctional facilities. This list is not exhaustive:

- i. On February 25, 2020, NDCS began issuing information and direction on COVID-19 to both its staff and inmate population. Since then, NDCS leadership has engaged in weekly and daily briefings with facility wardens to stay abreast of the latest developments and to ensure that concerns and needs, including staffing, are being addressed in a timely manner;

- ii. I, and others at NDCS Central Office, have regularly communicated with NDCS staff about our COVID-19 response efforts and safety precautions staff should take, including utilizing sick leave to remain home from work if they feel it is unsafe to be at work due to an underlying health condition, self-quarantining if they are symptomatic or think they have been potentially exposed to COVID-19, exercising CDC-recommended hygiene procedures, as well as other precautions they should take in their interactions with our inmate population. Additionally, staff are now permitted to use hand sanitizer while at work in NDCS facilities. Attached hereto as Exhibit 1 are true and accurate copies of various memorandum updates and “Frakes Files” communications provided to NDCS staff by myself and other NDCS Central Office members;
- iii. NDCS has identified various staff positions whose duties allow them to work from home and now has over 120 staff members working from home, in addition to others for whom schedule modifications have been made. NDCS is also working with staff members who have informed us that they would have a higher risk of suffering more severe symptoms or results if they were to become infected and is working to ensure those individuals are allowed to utilize leave if they feel it would be unsafe to be at work due to their health;

- iv. I, and other NDCS Central Office members, have provided regular written updates to NDCS' inmate population about our COVID-19 response efforts and the precautions they should take to protect themselves against the virus. Attached hereto as Exhibit 2 are true and accurate copies of various updates provided to NDCS inmates related to COVID-19 by myself and other NDCS Central Office members. Additionally, NDCS leadership has provided numerous video updates to inmates, NDCS staff, and the public. Inmates can watch the videos on the closed circuit televisions available at every facility, and the public can access them at: <https://corrections.nebraska.gov/ndcs-coronavirus-health-update>;
- v. As part of NDCS' efforts to reduce possible virus transmission in and out of and between its prison facilities, as of March 13, 2020, NDCS implemented visitor and staff screening. On March 16, 2020, NDCS suspended inmate visitation, limited entry of contractors and volunteers into its facilities, and directed facilities to cancel, postpone, or otherwise modify staff meetings involving 10 people or more;
- vi. Also on March 16, 2020, NDCS opened its Emergency Operations Center ("EOC"), to create an agency-coordinated response to COVID-19;
- vii. As mentioned previously, I and other NDCS staff members regularly communicate with inmates regarding precautionary measures, like good hygiene practices and social distancing, through written and video

- formats and by posting hygiene-related materials in areas visible to the inmate population. Additionally, all inmates have been given free soap and NDCS will continue to provide free soap throughout the COVID-19 pandemic. Inmates are frequently reminded of the importance of washing their hands and taking precautions to clean their living areas;
- viii. NDCS has also implemented heightened cleaning and disinfection procedures in all its facilities. Staff and inmates have been directed to engage in frequent cleaning, and cleaning supplies are readily available throughout facilities and housing units. Inmate janitors receive an increase in pay for performing, frequent, thorough cleaning as an incentive for high performance. Attached hereto as Exhibit 3 are true and accurate copies of several memorandums regarding cleaning supplies. While transportations have been limited to only essential trips, NDCS has directed staff to disinfect those transportation vehicles that are utilized after each trip. NDCS has telephonic and/or video conferencing capabilities at all of its facilities to allow inmates continued access to the courts during this time;
- ix. As of April 3, 2020, NDCS required staff members and any contractors, vendors, members of the Board of Parole, attorneys, and all others conducting business within an NDCS prison facility or building, to wear facial masks during work hours and while present at any NDCS prison facility and building;

- x. As of April 9, 2020, NDCS staff began conducting temperature checks in addition to asking screening questions of all individuals entering NDCS facilities. Individuals who respond in the affirmative to the screening questions or have a temperature reading of 100° or higher are not permitted inside the facility or building, and a supervisor will be notified to determine further actions required. The screening questions consist of answering a set of questions concerning exposure to someone with COVID-19, recent travel, and a list of symptoms associated with COVID-19;
- xi. As of April 10, 2020, NDCS has provided all inmates at every NDCS prison facility with a facial mask, which inmates are required to wear whenever they are out of their cells, and on facility grounds. NDCS has completed the issuance of a second facial mask to every inmate as of April 17, 2020. NDCS also recommends community custody inmates wear their masks while going to and from their jobs in the community. Work release inmates may wear the mask at their place of employment with approval from their employer. Inmates working on community detail crews are required wear their masks during transportation and while at work;
- xii. In addition to suspending visitation and restricting movement in and out of its facilities, NDCS has implemented screening procedures for all

- new incoming inmates, including a 14-day quarantine of all incoming individuals at its reception centers, as recommended by the CDC;
- xiii. NDCS has also implemented measures to immediately quarantine and/or medically isolate individuals suspected of or confirmed to have COVID-19 and requiring Personal Protective Equipment (“PPE”) for all staff. On April 8, 2020, I sent a memorandum to all NDCS staff members summarizing these measures and PPE requirements, a true and accurate copy of which is attached hereto as Exhibit 4. On April 10, 2020, I sent a memorandum to all NDCS staff members regarding the use of N95 masks when having direct contact or presence with individuals in or from medical isolation, should medical isolation be necessary. A true and accurate copy of that memorandum is attached hereto as Exhibit 5;
- xiv. NDCS has implemented social distancing measures wherever possible, including the cancelation of trainings, in-person meetings, and other staff gatherings. Wardens at each NDCS facility are working with staff to implement limits for inmate gatherings. However, some areas in facilities will allow for gatherings of larger groups of people, like external yards. Even in those spaces, everyone is advised to maintain social distancing to the extent possible;
- xv. NDCS began taking steps to promote social distancing beginning in early March. For example, the Nebraska State Penitentiary (“NSP”) began bringing meals to and delivering medications to the unit housing

its geriatric population. It also implemented measures to further reduce movement into and out of the unit. NDCS has taken similar actions with respect to mothers, their children, and any pregnant inmates housed at the Nebraska Correctional Center for Women (“NCCW”);

- xvi. In an effort to compensate for suspended visitation, NDCS has extended telephone call time to two hours per day for all general population inmates, and GTL free-call time has also been extended. NDCS is also working with its vendor to explore technology options for video visitation, although implementation of the same could take several months. NDCS has also made a number of games available for purchase on inmates’ JPay tablets, and effective March 24, 2020, individuals can also send videograms to inmates, which inmates can view on their JPay tablets;
- xvii. NDCS is currently allowing inmates on work detail and work release to continue with their employment opportunities, as long as their employers remain open for business. As of March 26, 2020, NDCS implemented a policy directive allowing temporary classification demotions for inmates in its community corrections facilities who are either laid off or terminated from their jobs as a result of COVID-19 in order to suspend those inmates’ maintenance housing fees, a true and accurate copy of which is attached hereto as Exhibit 6;

xviii. At this time, NDCS has secured sufficient PPE, including sufficient facial masks for both staff and inmates previously mentioned, to meet its facilities' needs.

8. At the direction of Medical Director Dr. Harbans Deol, NDCS has also implemented and continues to implement numerous other medical measures to prevent and defend against the spread of COVID-19 in its facilities.

9. Many of the measures described above, as well as measures implemented at Dr. Deol's direction, are contained in NDCS' COVID-19 response plan.

10. NDCS continues to work with its vendors to ensure all supply chains necessary for operations at its prison facilities remain open.

11. NDCS is committed to protecting the safety and well-being of all of NDCS staff members, inmates, and the public and continues to assess and update its COVID-19 measures to accomplish this goal.

12. NDCS also continues to work closely with state and local public health officials as the COVID-19 situation evolves in Nebraska and to communicate measures taken to protect the health of Nebraskans, both in and out of its custody and control.

13. NDCS' COVID-19 measures are informed and guided by recommendations from the CDC and subject matter experts, as well as recommendations and orders from the Nebraska Department of Health and Human

Services ("DHHS"), local public health departments, and federal government agencies and officials.

14. I have also been in frequent contact with directors of other correctional facilities throughout the country regarding various COVID-19 issues nationwide, such as: staffing, supplies, community resources, tracking and testing efforts, best practices and learning experiences, social distancing and virus prevention techniques, and communication issues.

15. As of this date, admissions to NDCS are down by approximately forty (40) percent.

16. NDCS continues to monitor, assess, and implement, new and changing recommendations from the above sources where applicable and advisable.

17. In the event quarantine and/or medical isolation measures become necessary, NDCS has identified specific locations dedicated to facilitating housing of the same. This housing information is contained in NDCS' COVID-19 response plan and facility-specific documents. Plaintiffs' request that these locations, as part of their broader request for the information contained in NDCS' COVID-19 response plan and facility-specific documents, be made public or otherwise be produced to the public or to Plaintiffs presents significant safety and security concerns.

18. As shown by the above measures and by the sheer volume of information it has made publicly available, NDCS is committed to maintaining transparency with its staff, inmates, and the public as part of its response to COVID-19. I and others at NDCS Central Office regularly send out updates to NDCS staff, inmates, and

stakeholders In addition to providing frequent media releases and communications through NDCS' various social media forums, NDCS' public website is consistently updated to reflect the most up-to-date information available to it. Attached hereto as Exhibit 7 are true and accurate copies of several recent NDCS COVID-19-related media releases. Additional media releases can be found on NDCS' publicly available website: <https://corrections.nebraska.gov/ndcs-coronavirus-health-update>.

19. However, the desirability of transparency must be weighed against ensuring the safety and well-being of NDCS staff, inmates, and the public. NDCS' safety and security concerns related to disclosing the housing information contained in its COVID-19 response plan and facility-specific documents, as detailed below, cannot be overstated and outweigh the Plaintiffs' reasoning for their disclosure.

20. In my experience, inmates, unless they are actually physically sick, view being placed in quarantine or medical isolation negatively. Either situation can mean less out-of-cell time, no work, no seeing friends, etc. As a result, inmates may hide or not report symptoms to avoid these perceived negative outcomes. This, in turn, can increase the risk the virus will spread from inmates presenting minor symptoms.

21. In addition to impacting sick and symptomatic inmates, increased needs for medical isolation and quarantine can require moving healthy or unexposed inmates to other locations. This, in my experience, leads to outcomes inmates view negatively, such as:

- i. Loss of what an inmate considers to be "his or her house;"

- ii. The potential for new roommates and contact with other inmates they do not know and/or do not like;
- iii. Living in a location that is perceived as less desirable;
- iv. A perceived loss of privileges associated with living in alternative locations; or
- v. A perceived risk of infection due to a fear that their new locations have not been sterilized.

22. The difficulties of implementing quarantine and medical isolation plans can be compounded by both subversive and open resistance from inmates. Gaining compliance for unpopular decisions requires a combination of effective communication, insight, and timing.

23. In my experience, even changes that will benefit inmates can be derailed by a few loud or influential inmates, particularly when those inmates have time to engage in conjecture and gossip, and to spread disinformation and plans related to resisting the upcoming change. Prematurely sharing plan details with inmates and the public is likely to lead to inmate resistance and could lead to disturbances.

24. For example, NDCS has already encountered inmate resistance in obtaining compliance with the requirement that all inmates wear facial masks. Following the CDC's nationwide recommendation that all persons wear protective facial masks, NDCS quickly implemented a requirement that all inmates in its custody be required to wear facial masks, at least while out of their cells. While some inmates readily complied with this requirement, other inmates have been and

continue to be resistive. I remain hopeful we will achieve compliance through education and not discipline, and through our regular communications to NDCS staff and inmates regarding the benefits of wearing facial masks.

25. Requiring inmates to wear facial masks is a relatively minor inconvenience in an inmate's daily life. The majority of inmates would view being moved to new housing locations as a much more intrusive change. As a result, it is likely that some inmates will actively resist increased COVID-19 prevention and management measures.

26. I am aware of several instances of inmate violence occurring in other states related to increased COVID-19 prevention and management measures. For example, the Washington Department of Corrections ("Washington DOC") recently experienced an inmate disturbance after inmates were told that Washington DOC planned on moving them as part of its response to COVID-19.

27. It is my understanding that, after a number of inmates in the Minimum Security Unit ("MSU") at Monroe Correctional Complex ("MCC") tested positive for COVID-19 the affected housing units were placed under quarantine with no transfers in or out and the infected individuals were placed in single person cells. Washington DOC offered to move a number of inmates identified as being more vulnerable to experiencing severe symptoms if they contracted the virus to single cell housing within the unit or to another unit within MSU. The vulnerable inmates refused, however, as some believed the housing change would result in a loss of privileges, some were afraid to move, and others wanted to show solidarity with the other

inmates remaining in the unit. Additionally, inmates living in two-person rooms where Washington DOC intended to move the vulnerable inmates also refused to move out to make room for the vulnerable inmates. Washington DOC continued to have additional conversations with these inmates to encourage them to agree to its proposed precautionary measures.

28. In early April, inmates from the quarantined MSU unit broke their quarantine and went out into the facility yard without authorization from staff. Inmates from another MSU unit followed their lead, which resulted in a mob of individuals from both units. While initially complying with staff directives to return to their units for count, once inside, inmates from both units began actively resisting and engaging in violent behaviors. For example, inmates pulled fire alarms, set off fire extinguishers and threatened to use them as weapons, vandalized property, turned bunks over to use as barricades, wrapped towels around their faces, stuffed magazines in their sweatshirts to protect against riot control measures, and threatened to take hostages if staff entered the units. Ultimately, the decision was made to evacuate Washington DOC staff from the two units, outside law enforcement was called to the scene, and an emergency response team was deployed to reestablish order and compliance.

29. This disturbance impacted Washington DOC's ability to respond to COVID-19 and its ability to monitor whether any additional inmates in the quarantined unit had become symptomatic. It diverted valuable resources and likely increased the risk to a population the Washington DOC was protecting through the

various protocols established for managing the health care of those inmates in quarantine. It also caused increased, close interaction among inmates and between inmates and Washington DOC staff. While no injuries to either staff or inmates were reported, in my experience, situations like this one can quickly escalate and result in injuries.

30. In my experience, moving a large number of inmates can lead to active resistance, especially if the inmates are aware a move is going to take place. We have now seen such active resistance play out in Washington DOC. The more advance notice the inmate population has about the location and timing of proposed moves, the greater the opportunity for inmates to engage in conjecture and to plan ways to both passively resist and actively rebel against such measures.

31. If NDCS were to share the details of plans giving an indication that it intends to move people around facilities, what conditions trigger those moves, and where NDCS intends for them to occur as part of its COVID-19 prevention and management measures, doing so will likely lead first to verbal resistance and increased tension, and can result in active resistance similar to or even worse than the recent Washington DOC situation.

32. NDCS also has to be concerned about the potential for inmate manipulation of information. Sharing information contained in the COVID-19 response plan and facility-specific quarantine documents is problematic because if inmates know in advance that particular symptoms will get them assigned to

particular units, they may use that knowledge for active resistance purposes or attempt to manipulate housing placements to facilitate security threat group goals.

33. As the foregoing safety and security reasons demonstrate, it will be much more difficult for NDCS to manage the response to COVID-19 and will create the potential for harm to both NDCS staff and the inmate population if the housing location information contained in the COVID-19 and facility-specific documents is released in any manner.

34. As of this date, NDCS currently has no confirmed cases of COVID-19 among its inmate population and only one confirmed case among NDCS staff. The staff member has not had contact with anyone at NDCS for more than 20 days, and as of this date, I am not aware of any other staff members or inmates who came into contact with this staff member presenting symptoms consistent with COVID-19.

This declaration is submitted pursuant to 28 U.S.C. S 1746. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 17 day of April, 2020.



Scott R. Frakes, Declarant



Pete Ricketts, Governor

DATE: March 27, 2020

TO: NDCS Staff

FROM: Diane Sabatka-Rine, Chief of Operations

RE: New Staff Member Screening Procedure

In addition to visitors and other guests, all staff members will now be required to undergo a survey health screen, before entering any NDCS facilities or office buildings. This screening process consists of a list of questions including:

- Do you have a fever, cough or shortness of breath?
- Have you traveled by plane in the last 14 days?
- Have you had contact with a person who has a confirmed case of COVID-19 in the last 14 days?

This information will be recorded in the log book that is kept at each building entrance.

Previously, we were requesting staff members to self-assess their symptoms. The expectation going forward is that staff members will be required to undergo this formal screening process each time they enter ANY NDCS facility/building. If you answer "yes" to any of the screening questions, a supervisor will be contacted to allow or deny entrance to the facility.

If you have questions about any of these instructions, contact your immediate supervisor or the facility warden. Thank you for your cooperation with this new process. It is another step that we can undertake to: Keep People Safe.

Scott R. Frakes, Director

Dept of Correctional Services

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corrections.nebraska.gov



The FRAKES Files

20-06

Director Scott R. Frakes
March 30, 2020

Dear NDCS Teammates,

In the course of U.S. history, Americans have lived through many periods of uncertainty. The enemy we confront today is unique in that it is largely invisible, many of its characteristics are still unknown and the rules of engagement, as well as the ultimate method of defeat, remain unclear. Despite the special challenges brought by the current pandemic, your decision to make a career in corrections has made you prepared, trained and ready to face whatever obstacles (or opportunities) may come our way.

The Q12 survey asks, “Do you have the materials and equipment to do your work every day?” Typically, we associate the question with material resources. But, the question also applies to the talents, skills and knowledge that will serve you and your teammates well, as we work together to address COVID-19. What are some of those characteristics?

Becoming a corrections professional has made you a trained observer. You have the ability to sense when things don’t look right and don’t feel right. You are able to identify dangers that others would walk into blindly. You have a heightened sense of vigilance.

You understand the importance of universal precautions, and how they can protect you and others. While those precautions are specific to handling blood and bodily fluids, the same concepts certainly apply to working around people who have viruses just like COVID-19.

You know the importance of good sanitation in prisons. NDCS is among those agencies which abides by standards set by the American Correctional Association (ACA). Dirty facilities don’t pass audits. Sanitation, good order and security all go hand-in-hand. Speaking of hands -- wash, wash, wash for at least 20 seconds!

As part of your initial and on-going training, you’ve learned about emergency response training. You know how to identify, report, isolate and contain. That set of skills can help save your life in any emergency situation. Some of you who have prior military service or participate on special teams in NDCS, likely have even greater experience.

These are just some of the skills you have gained as a corrections professional. They serve you well – both on the job and in the community. They are the same skills that will allow you to confront the challenges posed by COVID-19. As actor Liam Neeson said when taking on a different type of unseen enemy, “What I do have are a very particular set of skills...”

You chose a career that makes you essential to public safety. Admittedly, we don't often get all the credit we deserve. But, you know and I know how important our work really is. It takes courage, tenacity, perseverance and some thick skin to serve in corrections. No matter what your job is, know that you have the skills to succeed, even in the face of adversity. The COVID-19 virus is a setback, and perhaps a setup, to further developing the skills, talents and resources that will serve NDCS even better in the years to come.

You are critical to the success of our agency and to the service of all Nebraskans.


Sincerely,

A handwritten signature in black ink, appearing to read "S. Frakes", with a stylized, cursive script.

Scott R. Frakes



Pete Ricketts, Governor

DATE: April 2, 2020
TO: NDCS Teammates
FROM: Director Scott Frakes 
RE: Procedure Masks

Beginning on Friday, April 3, 2020, all staff will be required to wear a procedure mask in all NDCS work locations, at all times. You will be issued a procedure mask that is yours to keep. It is recommended that you hand-wash and allow the mask to air-dry after each work shift. Please ensure you have your mask with you when you come into work each day, and put it on prior to coming into your facility/work location.

The strategies to slow the spread of COVID 19 continue to evolve. Some of the changes are driven by knowledge gained as different approaches appear to work, and some are dependent on having the resources available to implement the strategy. The decision to require all staff to wear procedure masks is driven by both evolving knowledge and access to an adequate supply of reusable masks.

The procedure mask protects other people from your airborne droplets. Wearing a mask is just one of the strategies we all need to continue to engage to keep ourselves, and others safe. Hand washing, excellent sanitation, social distancing, and limiting your time spent in the community are just as important as the use of a mask.

Work sites will start handing out masks to staff later today, and will share information on where you can pick up your masks. The COVID 19 pandemic plan outlines the authorized use of N-95 masks when working with patients.

Your safety and the safety of our community is our primary obligation. Despite any inconvenience that may come with wearing a procedure mask, I know I can count on NDCS team-members to comply with these expectations.

Scott R. Frakes, Director
Dept of Correctional Services

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The FRAKES Files

20-07

Director Scott R. Frakes
April 6, 2020

Dear NDCS Teammates,

As you likely noted over the weekend, we had our first staff-confirmed case of COVID-19 at NSP. At the time the notification was made, that individual had been out of the facility for 10 days. So far, no other staff members or inmates who were around this person have exhibited symptoms consistent with coronavirus.

In an effort to further reduce the risk of transmitting COVID-19, NDCS will begin initiating the following measures.

Gray face masks will be delivered to the community custody centers tonight. These are the same type of personal procedure masks that most of our staff members are currently wearing and are consistent with the state-issued clothing. Inmates should wear these any time they are out of their cells, and on the facility grounds. It is recommended community custody inmates wear their mask while going to and from their jobs in the community. Work release inmates may wear the mask at their place of employment, if their employer approves. Inmates working on detail crews will wear their mask during transportation, and while at work. But, first and foremost, they need to wear their masks at all times while they are in the facilities. If someone does not wear their mask, that person will be told to return to their cell.

CSI is currently producing khaki colored masks to be issued to inmates (also consistent with the state-issued clothing) in all other facilities. We will issue these masks facility by facility, starting Thursday morning, with all facilities receiving masks for the population by Friday evening. Once issued, inmates are required to wear their mask anytime they leave their cell.

I understand this move will cause some concern. I spent 29 years working inside prisons, and I never imagined the day that I would approve giving every inmate a mask. But this is the right and best strategy to help stop the spread of COVID-19 while we continue to operate our prison system as safely and effectively as possible. The masks will not stop OC from being effective.

CSI staff members and inmates have been working diligently to create the orange masks for staff. Additionally, I have authorized the use of personal procedure masks that meet the expectations listed below:

- They fully cover the mouth and nostrils and extend far enough to cover each side of the face, preventing droplets from being expelled
- They are appropriate for the work place. If it is not appropriate, you will be asked to wear a different mask
- You may make adjustments to the orange masks, ensuring that the ties fit appropriately and do not pose a safety issue. Some elastic has been provided to the facilities, for those who want it – but, we do not have any additional supplies of elastic

N95 respirators are not authorized at this time for regular, everyday use. NDCS does have a supply that will be available in the event staff are working with infected inmates. To start wearing them for everyday use is wasting an important health care resource. If you have personal N-95 masks in sealed packages I encourage you to reach out community health care providers and see if they are taking donations.

The cloth face masks manufactured and distributed through CSI are effective in providing a barrier from the spread of airborne droplets, which is one of the reasons the CDC is now recommending cloth masks be worn – even by people who feel healthy.

This weekend, the Nebraska Department of Health and Human Services (DHHS) launched a data dashboard that provides a daily tally of the number of people tested for COVID-19 and where all of the cases have appeared across the state. The link can be found here: <http://dhhs.ne.gov/Pages/Coronavirus.aspx>. The information is updated twice daily. It is another good resource to help track COVID-19, specific to Nebraska.

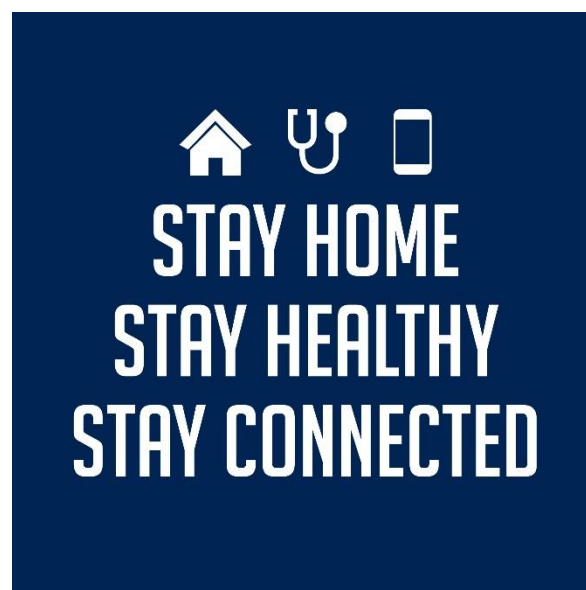
Also, Governor Ricketts today unveiled a new “Stay Home” social media campaign. The message is simple: Stay Home, Stay Healthy, Stay Connected (see below).

The next few weeks will be critical to keeping our curve low. Be well and take care of yourselves and each other. Remember, we are all in this together!

Thank you,




Scott R. Frakes





Pete Ricketts, Governor

DATE: March 26, 2020
TO: Individuals Assigned to Community A and B Custody
FROM: Dawn-Renee Smith, Deputy Director 
RE: Maintenance Fees During COVID-19 Response

The purpose of community corrections is to provide a transition from more restrictive environments to a less restrictive one before you are on your own again. Much of that transition centers on your ability to find and engage in meaningful work opportunities. You need your job to save money for your release and to establish a work history as you move back into the community.

Due to the COVID-19 situation facing Nebraska today, businesses are temporarily reducing production, reducing hours of employees and/or closing down temporarily. This puts a strain on workers across the state, including you. We recognize that and, in response, Director Frakes has issued a policy directive to allow individuals who are currently at community B (4B) custody to temporarily demote to community A (4A) custody in order to suspend maintenance fees if you are laid off or terminated from your job.

We hope that, if that happens, you are able to find work quickly, but in the meantime, we don't want you to have to worry about your daily maintenance fees. While you are on your temporary 4A status, we will assign you to a detail job or, if all those jobs are filled, provide lay-in pay until one opens up. Once you find a new job, or get called back to your job, we will promote you back to 4B custody and resume your regular fees.

This policy went into effect today and your unit staff will start working with you as soon as possible to make the change, as necessary. If you are affected by lay-offs/closures, talk to your staff about next steps. They will work with you and help you any way they can. We all want the same thing – for you to be employed and transition smoothly into the community.

Scott R. Frakes, Director

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Pete Ricketts, Governor

DATE: April 2, 2020
TO: NDCS Inmate Population
FROM: Dir. Scott R. Frakes
RE: COVID-19 Status Update

It is expected that the COVID 19 infection rate will peak in Nebraska around the end of this month. As I have said before, we are working hard to flatten out the rate of infection and ensure we have the resources needed to take care of everyone. So far we have done an excellent job. As of right now there are still no staff or inmates with COVID 19. I intentionally use the word "we". This isn't a staff issue, an inmate issue, or a community issue. It is a "we" issue. We have to work together to keep each other safe and healthy.

Keeping up with the changing information related to the pandemic is challenging, but most of the prevention strategies have not changed in the last couple of weeks. These include:

- Wash your hands often, and especially before you touch your face
- Keep your house clean
- Social distancing – trying to stay at least six feet from people you are not living with
- Keeping all "high touch" areas sanitized repeatedly throughout the day – door knobs and door edges, handrails, flat surfaces
- Cough into the inside of your elbow
- If you are not feeling well, notify medical staff
- Wash your hands thoroughly, front, back, thumbs – scrub for at least 20 seconds. It takes 20 seconds to sing Happy Birthday twice

Starting on April 3, 2020 all staff will be wearing masks while at work. These masks provide a barrier to airborne droplets, and will provide the population with greater protection from community transmission. Anyone that presents potential COVID 19 symptoms, or had potential exposure, is being isolated from the general population. Fortunately, there have been very few people isolated so far, and as stated previously no one has tested positive for COVID

Scott R. Frakes, Director

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19. While the flu season (Influenza A & B) is winding down, it is now allergy season. Allergy symptoms can include runny nose, dry eyes, mild cough, and nausea. The primary symptoms of COVID 19 are fever (100.4 and above), dry cough, and shortness of breath. If you don't feel well, notify medical staff and get assessed.

I continue to be impressed by the general tone and attitude. Everyone is getting tired and stressed. I will continue to authorize as much out of cell time as is safe for everyone. By continuing to follow directions, including the requirement to not group together, we will be able to keep providing some off-unit activities. The next six weeks will be challenging. We can minimize those challenges by working together.



Pete Ricketts, Governor

DATE: April 2, 2020
TO: Community Corrections Incarcerated Population
FROM: Scott R. Frakes, Director
RE: Community Furloughs

The Nebraska Department of Correctional Services (NDCS) continues to monitor the COVID-19 situation in Nebraska and across the nation. I have been in regular contact and comparing notes with directors from prison systems throughout the country as we all navigate through this unprecedented time.

At the community centers, we have taken numerous precautions to ensure your safety. We suspended visits at all facilities, suspended personal needs and programming furloughs, limited family furloughs, and added full-time sanitation detail crews.

Today, we are making the difficult decision to further limit access to the public so as to keep you safe. The following are effective immediately:

- Family furloughs are suspended
- Food deliveries to the facility are discontinued
- Outside property will no longer be accepted from families/friends at the facility

I recognize this is not ideal and will be a difficult transition for you. My first priority is safety – of you and our staff members. The more we restrict access to the public, the more we limit the likelihood of COVID-19 cases in the facility. Thank you for your cooperation and understanding.

cc: Community Corrections Center Team Members

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DEPT OF CORRECTIONAL SERVICES



Pete Ricketts, Governor

DATE: April 6, 2020
TO: Incarcerated Population
FROM: Scott R. Frakes, Director
RE: GTL Tablet Phone Time

In an effort to keep people connected during COVID-19, GTL has extended free call time through April 30, 2020. GTL is providing two free phone calls up to 5 minutes each per week. If additional announcements are made pertaining to this plan, we will pass that along.

cc: Diane Sabatka-Rine, Chief of Operations
Robert Madsen, Deputy Director
Dawn-Renee Smith, Deputy Director
Robin Spindler, Deputy Director
Laura Strimple, Chief of Staff
NDCS Wardens

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Pete Ricketts, Governor

DATE: April 7, 2020
TO: NDCS Incarcerated Population
FROM: Scott R. Frakes, Director
RE: Masks in NDCS Facilities

Cornhusker State Industries (CSI) has produced masks for staff members (orange) and is now producing masks (colors consistent with state-issued clothing) for you as well. The people living at the community corrections centers are first to receive masks because most of them are going out into the community. The cloth masks protect other people from you by reducing the spread of airborne droplets. Disposable surgical masks and N-95 are for people that are either ill with COVID 19, or people working around COVID 19 patients.

Gray masks were provided to individuals assigned to a community corrections center today. As soon as the khaki masks are ready, we will start delivering them to facilities to be issued. You are expected to wear your issued mask any time you are outside of your cell. In dormitory settings you may remove your mask when you are on your bunk. You should hand wash your mask, and allow it to air dry. We will produce and issue a second mask for everyone by the end of next week.

By having everyone wear masks we greatly reduce the potential spread of COVID 19 through airborne droplets. It is still just as important for everyone to follow all of the other strategies to stop COVID 19:

- Wash your hands frequently, and for at least 20 seconds – front and back, fingernails and thumbs
- Don't touch your face,
- Cough/sneeze into your elbow if you're in your cell/bunk and not wearing your mask
- Maintain social distance, at least 6 feet where possible

Scott R. Frakes, Director

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- Keep everything clean and sanitized
- If you don't feel well, notify medical staff

We are all concerned about getting the virus or being exposed to someone who has the virus. This is one more strategy that will help us to keep COVID-19 out of the facilities and away from you. As of today no one housed within NDCS has tested positive, or showing symptoms of COVID 19. We all must work together to stay safe and healthy.

Your cooperation is appreciated!

cc: NDCS Team Members



Pete Ricketts, Governor

DATE: April 13, 2020
TO: NDCS Inmate Population
FROM: Scott R. Frakes, Director
RE: Necessity of Masks

As of Saturday you all received a personal mask to wear. We will issue a second mask to everyone by Friday night. This will allow you to wash one mask, and have a second mask to wear.

You are required to wear your mask anytime you are outside of your cell. In dormitory settings, you may remove your mask when you are on your bunk.

I know some people have questioned the necessity of wearing a mask. I acknowledge that they are an inconvenience and somewhat uncomfortable. After wearing one for over 10 days, I'm just starting to feel comfortable with having my face covered. In addition to social distancing and the sanitation procedures we are following, the masks are another effective way to slow the transmission of COVID-19. Many of you have asked about removing the masks while exercising. Research shows that people expel even more airborne droplets when exercising. Wearing your mask will keep the people around you healthier, and when they wear their mask – you will stay healthier.

This is a deadly illness. While certain individuals have a greater chance of contracting it due to age and other medical conditions, the fact is, anyone could become sick. The masks we are asking you to wear are for the protection of those around you. COVID-19 is a highly contagious disease, for which there is no vaccine. This illness will not be stopped at the individual level. It will take cooperation from everyone.

I have asked wardens to keep reinforcing the importance of wearing a mask. This is not just for the benefit of those who work and live in our facilities, but also our communities. The more that we can do to keep coronavirus at bay, the greater our chances of keeping all people healthy. As mentioned previously, if you are ill, let medical personnel know. They will help to assess and address your situation quickly.

Scott R. Frakes, Director

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Pete Ricketts, Governor

DATE: March 16, 2020
TO: DCS Agency
FROM: Jill Ourada, Agency Safety Coordinator
RE: COVID-19 Disinfecting with Bleach

Due to the COVID-19 (Coronavirus) outbreak, this memo is a reminder of how to disinfect with bleach.

Diluted bleach solutions can be used if appropriate for the surface. Follow manufacturer's instructions for application and proper ventilation. Check to ensure the product is not past its expiration date. Never mix bleach with ammonia or any other cleanser. Unexpired household bleach will be effective against coronaviruses when properly diluted.

- Wear proper personal protective equipment (gloves, goggles, apron etc)

Follow the [Center for Disease Control \(CDC\)](#) and/or manufacturer's guidelines for COVID-19:

- Prepare a bleach solution by mixing:
 - 5 tablespoons (1/3rd cup) bleach per gallon of water or
 - 4 teaspoons bleach per quart of water
- Apply to high contact areas
- The surface must remain wet for 10 minutes to kill COVID-19
- Rinse the surface with clean water and allow to air dry; rinsing is important to prevent further surface damage

When blood or bodily fluids are present or surfaces are heavily soiled, use a 1:10 bleach solution.

Diluted bleach has a relatively short shelf life depending on environmental conditions. To ensure effectiveness, bleach should be diluted and distributed according to daily requirements.

Tec/cide is **not** effective for COVID-19.

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Pete Ricketts, Governor

DATE: March 16, 2020
TO: Facility Safety Specialists
FROM: Jill Ourada, Agency Safety Coordinator
RE: COVID-19 Precaution Cleaning with BruTabs

Due to the COVID-19 (Coronavirus) outbreak, the CSI shops will be using a disinfectant tablet called BruTab. As of right now, the only areas using BruTabs will be the CSI shops. Below are some guidelines.

Usage:

- Use appropriate personal protective equipment: gloves, goggles, etc
- Ensure good ventilation
- Use N95 mask if good ventilation is not achieved.
- Only staff can handle the tablets.
- BruTab solution is only good for 3 days.
- Wash hands after handling tablets

Instructions:

- Write date of first usage on bottle
- Fill bottle with water
- Place BruTab tablet in bottle
- Let BruTab tablet emerge for several minutes
- Spray the surface and let sit for two minutes.
- Rinse off surface with clean water



Pete Ricketts, Governor

DATE: April 8, 2020
TO: All NDCS Team Members
FROM: Scott R. Frakes, Director
RE: Responding to COVID-19 Cases

The NDCS Incident Action Plan for Coronavirus-19 (COVID-19), along with all other Incident Action Plans, is restricted material and is not available to all staff, inmates or the general public. It is important, however, to ensure that all staff have the knowledge it takes to do their jobs safely and know how to manage COVID-19. Normally, we would do this through classroom training – but nothing about COVID-19 is normal so portions of our plan are being shared with you in this format. The prevention and operational preparedness strategies included in the plan have already been shared with you, as we started implementing portions of it as early as March 6th.

Unlike most of our Incident Action Plans, this plan has great flexibility and will change multiple times throughout the course of the pandemic. We will continue to communicate changes through Frakes Files, memos, emails and other communication platforms. The following includes excerpts from the Plan and will ensure that we all have a common understanding of our response to incidents of COVID-19 as they occur.

Effective April 9, 2020, temperature checks are required in addition to the current screening questions for all individuals entering NDCS facilities. Individuals who respond in the affirmative to the screening questions or have a temperature reading of 100 degrees or higher will not be permitted inside the facility/building without the approval of a designated supervisor.

The NDCS Health Services staff are an integral part of the response to COVID-19 and will be engaged in the process at first report of symptoms¹.

Health services staff shall verbally screen all incarcerated individuals who self-report or whom staff report to have COVID-19 symptoms. Screening shall include, at a minimum, a temperature check and the following questions to determine if COVID-19 testing is indicated:

- *Today or in the past 24 hours, have you had the following symptoms:*
- *Fever, felt feverish or had chills?*
- *Cough?*
- *Difficulty breathing?*

COVID-19 testing will be completed as medically indicated in consultation with NDCS/community health care providers. If the individual tests positive, medical isolation will be directed (see below). If the individual tests negative, he/she may be returned to his/her regular housing assignment unless further medical assessment or care is required. If tests are not available/not recommended by health care

¹ Symptoms of COVID-19 include fever, cough and shortness of breath.

providers, health care staff will direct further action (medical isolation, quarantine, regular housing) based on the assessment of symptoms.

Health care for suspected or confirmed COVID-19 cases shall be consistent with therapeutic options recommended by the CDC. These may include the use of quarantine and medical isolation. Each facility has designated a number of quarantine/medical isolation area options. In consultation with agency leadership, the warden will direct which of these areas will be utilized based on the number of COVID-19 related cases.

Health services staff may direct **quarantine² status** for individuals who had close contact with a confirmed or suspected COVID-19 case. Quarantine status shall be accomplished consistent with the facility's quarantine plans. Individuals on **quarantine status** shall be instructed to immediately report any COVID-19 symptoms to on-site staff and shall be monitored frequently by health care staff to determine if they developed COVID-19 symptoms (at a minimum, this includes temperature checks at least one time per day) . Incarcerated individuals on **quarantine status** shall be required to:

- Wear a face mask when outside of the designated quarantine area and/or whenever a staff member or non-isolated incarcerated individual enters the quarantine space.
- Receive/consume all meals in the designated quarantine space. Disposable food trays/utensils shall be used.
- Be excluded from all group activities.
- Be restricted to the designated quarantine area on medical lay-in status.

All admissions (new commitments, safekeepers, parole/PRS violators) to NDCS reception facilities (Diagnostic and Evaluation Center and Nebraska Correctional Center for Women) shall be on **quarantine status**. During a COVID-19 epidemic, all individuals removed from a community corrections facility will be placed in a reception facility on **quarantine status**. Male youthful offenders (under the age of 18) received during a COVID-19 epidemic shall be received/processed consistent with current policy and transferred to the Nebraska Correctional Youth Facility and placed on a **quarantine status** consistent with the provisions of this plan.

Cohorting³ of individuals who have had close contact⁴ with a COVID-19 case on **quarantine status** may be done at the discretion of the facility warden in consultation with the NDCS Medical Director.

Health services staff shall immediately notify the facility warden of individuals who had close contact with a COVID-19 case and are in need of quarantine status. Health care staff shall notify the Medical Director/designee and the warden shall notify the Agency Emergency Operations Center (EOC) or respective deputy director.

Individuals on quarantine status will remain on this status for a minimum of 14 days. If during this time period, they exhibit COVID-19 symptoms, health care staff shall direct medical isolation consistent with this plan.

² Quarantine refers to the practice of confining individuals who have had close contact with a COVID-19 case to determine whether they develop symptoms of the disease. Quarantine for COVID-19 should last for a period of 14 days. When possible, individuals will be quarantined in cells, however, it may be necessary to quarantine groups (two or more) of individuals in multi-person cells and dormitory settings.

³ Cohorting refers to the practice of quarantining close contacts of a particular case together as a group or medical isolation of multiple laboratory-confirmed COVID-19 cases as a group if single cell quarantine/medical isolation is not available.

⁴ Close contact refers to an individual who has been within approximately six feet of a COVID-19 case for a prolonged period of time and/or has had direct contact with infectious secretions from a COVID-19 case. Close contact can occur while caring for, living with, visiting or sharing a common space with a COVID-19 case. Considerations when assessing close contact include the duration of the exposure and the clinical symptoms of the person with COVID-19.

In the event that health services staff confirm COVID-19 symptoms, **medical isolation**⁵ shall be directed and shall be accomplished consistent with the facility isolation plans. Individuals on **medical isolation** shall be required to:

- Have limited movement outside of the designated medical isolation area.
- Wear a face mask when outside of the designated medical isolation space and/or whenever a staff member or non-isolated incarcerated individual enters the medical isolation space.
- Receive/consume all meals in the designated medical isolation space. Disposable food trays/utensils shall be used.
- Be excluded from all group activities.
- Be restricted to the designated medical isolation space on medical lay-in status.

Cohorting of individuals with confirmed COVID-19 symptoms on **medical isolation** may be done at the discretion of the facility warden in consultation with the Medical Director.

In the event that an individual tests positive for COVID-19, **medical isolation** shall be directed and shall be accomplished consistent with the facility isolation plans. Incarcerated individuals on medical isolation shall be required to:

- Have limited movement outside of the designated medical isolation area.
- Wear a face mask when outside of the designated medical isolation space and/or whenever a staff member or non-isolated incarcerated individual enters the medical isolation space.
- Receive/consume all meals in the designated medical isolation space. Disposable food trays/utensils shall be used.
- Be excluded from all group activities.
- Be restricted to the designated medical isolation space on medical lay-in status.

Cohorting of individuals who test positive for COVID-19 on **medical isolation** may be done at the discretion of the facility warden in consultation with the Medical Director.

Medical treatment/care appropriate to COVID-19 shall be provided to individuals in the designated **medical isolation** area. At a minimum, this includes temperature checks and assessment of symptoms at least two times per day. In the event medical treatment/care exceeds what can be provided in the **medical isolation** area, health services staff will direct/authorize a medical travel order to a community provider/hospital.

Medical isolation shall continue until all of the following criteria is met and health care staff release the incarcerated individual from **medical isolation**:

- The individual has been free from fever for at least 72 hours without the use of fever-reducing medications, **and**
- The individual's other symptoms have improved (e.g., cough, shortness of breath), **and**
- At least 7 days have passed since the first symptoms appeared.

Health services staff shall immediately notify the facility warden of individuals with confirmed COVID-19 symptoms and confirmed COVID-19 tests. The NDCS Medical Director/designee shall communicate with local/state public health officials relative to confirmed COVID-19 cases. The warden shall notify the Agency Emergency Operations Center (EOC) or respective deputy director.

Managing quarantine and medical isolation spaces also includes thorough cleaning and disinfecting of the areas. This includes all areas used (cells, bathrooms and common areas), focusing especially on frequently touched surfaces. Hard, non-porous surfaces should be cleaned with soap/water prior to disinfecting with a diluted bleach solution. Soft, porous surfaces, should be cleaned with appropriate cleaners indicated for these surfaces

⁵ Medical isolation refers to confining a confirmed or suspected COVID-19 case to prevent contact with others and to reduce the risk of transmission. Medical isolation ends when the individual meets pre-established clinical and/or testing criteria for release from isolation, in consultation with health care providers.

before being laundered (if possible) or use approved products suitable for porous surfaces for COVID-19 disinfecting. Electronics (tablets, touch screens, keyboards and remote controls) should be cleaned with diluted bleach spray.

Non-disposable food service items should be handled with gloves and washed in hot water or a dishwasher.

Based on current CDC guidelines, laundry from quarantine and medical isolation areas does not need to be placed in a melt away/plastic bag. Laundry contaminated with blood or body fluids shall be processed in accordance with Policy 115.15 Serious Infectious Diseases. Laundry from quarantine and medical isolation areas can be washed together. PPE shall be worn as described in this plan and universal precautions should be taken when handling the laundry. To minimize the possibility of dispersing the virus through the air, care should be taken not to shake/throw the laundry. All laundry carts/receptacles used to store soiled laundry must be cleaned/disinfected after each use. Laundry should be washed in the warmest appropriate water setting.

The attached chart describes the Personal Protective Equipment (PPE) required in designated quarantine and medical isolation areas.

NOTE: Procedure masks (CSI-manufactured cloth masks or homemade cloth masks) are issued to reduce the spread of airborne droplets. Procedure masks are not considered PPE and cannot be used in lieu of any recommended PPE.

COVID-19 Personal Protective Equipment (PPE)

All staff, including health care staff, management, programming and custody/case management staff, and incarcerated individuals are required to wear PPE as directed. Consistent with CDC guidelines, PPE will be required as follows:

	N95 Mask	Face Mask	Eye Protection	Gloves	Gown/Coveralls
INCARCERATED INDIVIDUALS					
Quarantine Status		✓ when outside of the designated quarantine area and/or whenever a staff member or non-isolated incarcerated individual enters the quarantine space			
Medical Isolation COVID-19 Symptoms		✓ when outside of the designated medical isolation space and/or whenever a staff member or non-isolated incarcerated individual enters the medical isolation space			
Medical Isolation Confirmed COVID-19		✓ when outside of the designated medical isolation space and/or whenever a staff member or non-isolated incarcerated individual enters the medical isolation space			
In a work assignment handling laundry or used food service items from Quarantine or Medical Isolation areas				✓	✓
In a work assignment cleaning in a Quarantine or Medical Isolation area	Additional PPE may be needed based on the product label.			✓	✓
TEAM MEMBERS					
Performing temperature checks on any group of people or providing medical care to Quarantine individuals		✓	✓	✓	✓ optional when performing only temperature checks
Upon entry to Quarantine areas		✓		✓	
Upon entry to Medical Isolation areas		✓	✓	✓	✓
Direct contact with individuals from Medical Isolation areas (including transportation/escort)	✓ face masks are an acceptable alternative if N95 masks don't meet the demand		✓	✓	✓
Staff present during a procedure (i.e., medical or physical search of person) on individuals from Medical Isolation areas	✓		✓	✓	✓
Staff handling laundry or used food service items from a Quarantine or Medical Isolation area				✓	✓
Staff cleaning in a Quarantine or Medical Isolation area	Additional PPE may be needed as based the product label.			✓	✓



Pete Ricketts, Governor

DATE: April 10, 2020
TO: NDCS Team Members
FROM: Scott R. Frakes, Director
RE: Use of N95 Masks

The Nebraska Department of Correctional Services (NDCS) COVID-19 plan includes the use of personal protective equipment (PPE) to prevent transmission of the virus. All staff have been assigned two training videos through the Employee Development Center (EDC) and are expected to complete it as soon as possible. The videos include information on how to use the N95 masks, which are only required for staff when having direct contact or present during a procedure (i.e., medical or physical search of a person) on individuals in or from **medical isolation**. There is currently no medical isolation in use.

N95 masks are respirators and, as such, require the review of a medical evaluation questionnaire to ensure the health and safety of the user. **All medical, custody and unit management staff must complete the attached form** and return (in a sealed envelope) to the NDCS medical director, Dr. Harbans Deol. Shift supervisors will have forms and envelopes available at shift change. Please complete and return the form to the shift supervisor no later than Tuesday, April 14th.

Dr. Deol and/or other qualified health care providers will review the completed forms and determine if any follow up is needed and whether or not the team member may use the N95 mask. It is important to ensure that the mask fits securely, which means you must comply with the attached facial hair requirements.

The medical evaluation must be completed by a physician or licensed health care provider and can be conducted through a series of health questions and follow up by the physician as needed. In addition to medical staff, custody and unit management staff have the greatest potential to need to use a N95 mask.

Following the medical evaluation, a determination is made whether the staff member is approved to wear the N95 mask. Human Resources staff will confirm the completion of the EDC training video and then the N95 approval will be noted in Telestaff. A staff member who is not approved to wear the N95 mask will receive notification from the medical director.

Additional instructions will be available regarding the practical use and storage of the N95 masks.

Scott R. Frakes, Director

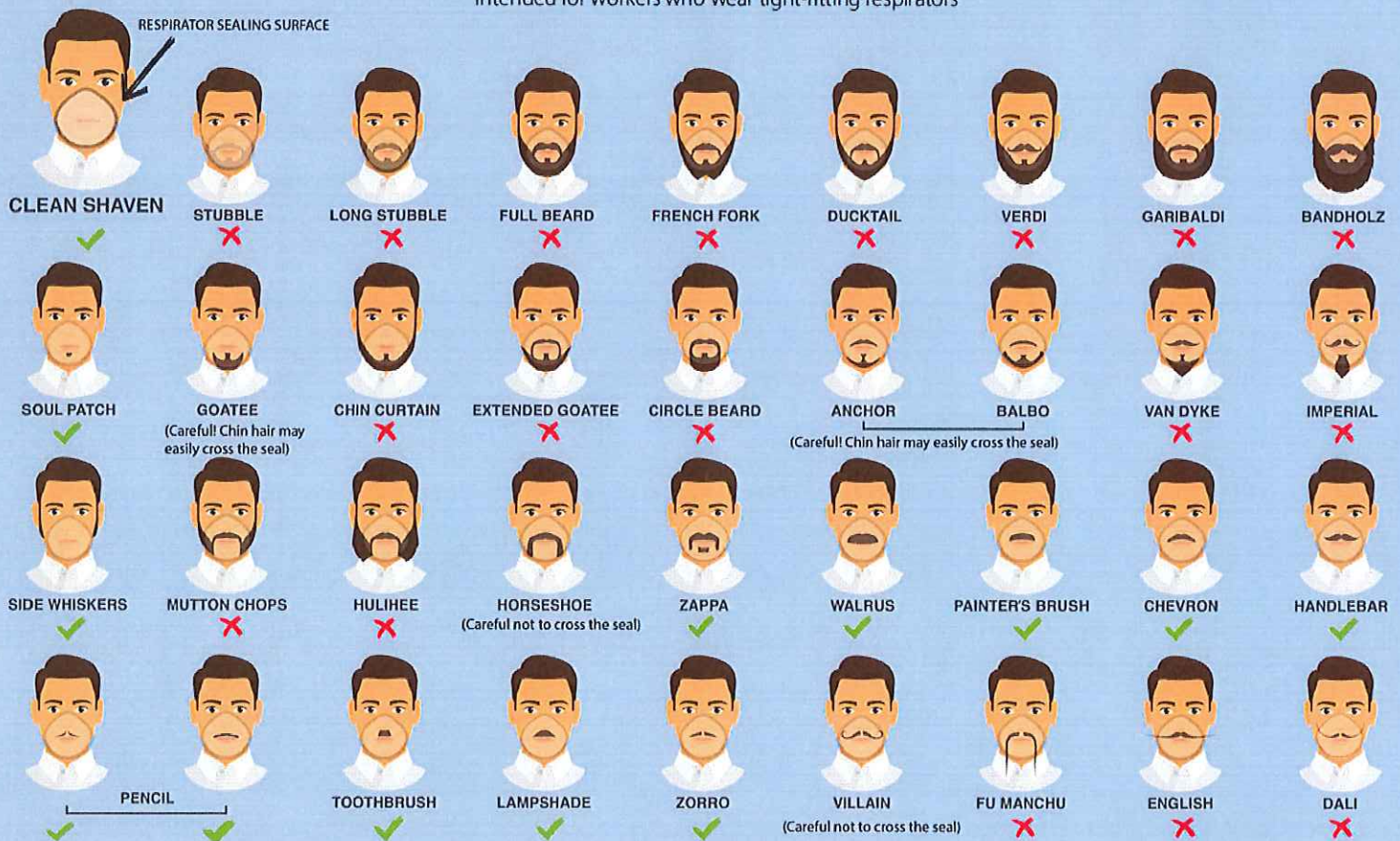
Dept of Correctional Services

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Facial Hairstyles and Filtering Facepiece Respirators

Intended for workers who wear tight-fitting respirators



*If your respirator has an exhalation valve, some of these styles may interfere with the valve working properly if the facial hair comes in contact with it.
 *This graphic may not include all types of facial hairstyles. For any style, hair should not cross under the respirator sealing surface.

Source: OSHA Respiratory Protection Standard

https://www.osha.gov/photoshare/download.php?document_id=12716

Further Reading: NIOSH Respirator Trusted-Source Webpage

https://www.cdc.gov/niosh/npg/topics/respirators/disp_jair/respirance3fitest.html



Centers for Disease Control and Prevention
 National Institute for Occupational Safety and Health

Respirator Medical Evaluation Questionnaire

To the employer: Answers to these questions do not require a medical examination.

To the employee: Your employer must allow you to answer this questionnaire during normal working hours, or at a time and place that is convenient to you. To maintain your confidentiality, your employer or supervisor must not look at or review your answers. Please put this questionnaire in an envelope and give it to the health care professional who will forward it to a Health Care Provider.

Your Name: _____

Location/Facility _____

Sex (circle one): Male/Female

Job Title _____

(Mandatory) Questions 1 through 9 below must be answered by every employee who has been selected to use any type of respirator (please circle "yes" or "no").

	YES	NO
1. Do you <i>currently</i> smoke tobacco, or have you smoked tobacco in the last month?	<input type="checkbox"/>	<input type="checkbox"/>
2. Have you <i>ever had</i> any of the following conditions?	<input type="checkbox"/>	<input type="checkbox"/>
a. Seizures	<input type="checkbox"/>	<input type="checkbox"/>
b. Diabetes (sugar disease)	<input type="checkbox"/>	<input type="checkbox"/>
c. Allergic reactions that interfere with your breathing	<input type="checkbox"/>	<input type="checkbox"/>
d. Claustrophobia (fear of closed-in places)	<input type="checkbox"/>	<input type="checkbox"/>
e. Trouble smelling odors	<input type="checkbox"/>	<input type="checkbox"/>
3. Have you <i>ever had</i> any of the following pulmonary or lung problems?	<input type="checkbox"/>	<input type="checkbox"/>
a. Asbestosis	<input type="checkbox"/>	<input type="checkbox"/>
b. Asthma	<input type="checkbox"/>	<input type="checkbox"/>

	YES	NO
c. Chronic bronchitis	<input type="checkbox"/>	<input type="checkbox"/>
d. Emphysema	<input type="checkbox"/>	<input type="checkbox"/>
e. Pneumonia	<input type="checkbox"/>	<input type="checkbox"/>
f. Tuberculosis	<input type="checkbox"/>	<input type="checkbox"/>
g. Silicosis	<input type="checkbox"/>	<input type="checkbox"/>
h. Pneumothorax (collapsed lung)	<input type="checkbox"/>	<input type="checkbox"/>
i. Lung cancer	<input type="checkbox"/>	<input type="checkbox"/>
j. Broken ribs	<input type="checkbox"/>	<input type="checkbox"/>
k. Any chest injuries or surgeries	<input type="checkbox"/>	<input type="checkbox"/>
l. Any other lung problem that you've been told about	<input type="checkbox"/>	<input type="checkbox"/>
4. Do you <i>currently</i> have any of the following symptoms of pulmonary or lung illness?	<input type="checkbox"/>	<input type="checkbox"/>
a. Shortness of breath	<input type="checkbox"/>	<input type="checkbox"/>
b. Shortness of breath when walking fast on level ground or walking up a slight hill or incline	<input type="checkbox"/>	<input type="checkbox"/>
c. Shortness of breath when walking with other people at an ordinary pace on level ground	<input type="checkbox"/>	<input type="checkbox"/>
d. Have to stop for breath when walking at your own pace on level ground	<input type="checkbox"/>	<input type="checkbox"/>
e. Shortness of breath when washing or dressing yourself	<input type="checkbox"/>	<input type="checkbox"/>
f. Shortness of breath that interferes with your job	<input type="checkbox"/>	<input type="checkbox"/>
g. Coughing that produces phlegm (thick sputum)	<input type="checkbox"/>	<input type="checkbox"/>
h. Coughing that wakes you early in the morning	<input type="checkbox"/>	<input type="checkbox"/>
i. Coughing that occurs mostly when you are lying down	<input type="checkbox"/>	<input type="checkbox"/>
j. Coughing up blood in the last month	<input type="checkbox"/>	<input type="checkbox"/>
k. Wheezing	<input type="checkbox"/>	<input type="checkbox"/>
l. Wheezing that interferes with your job	<input type="checkbox"/>	<input type="checkbox"/>
m. Chest pain when you breathe deeply	<input type="checkbox"/>	<input type="checkbox"/>
n. Any other symptoms that you think may be related to lung problems	<input type="checkbox"/>	<input type="checkbox"/>
5. Have you <i>ever had</i> any of the following cardiovascular or heart problems?		
a. Heart attack	<input type="checkbox"/>	<input type="checkbox"/>
b. Stroke	<input type="checkbox"/>	<input type="checkbox"/>
c. Angina	<input type="checkbox"/>	<input type="checkbox"/>
d. Heart failure	<input type="checkbox"/>	<input type="checkbox"/>

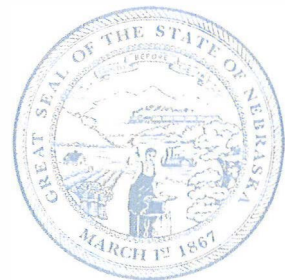
	YES	NO
e. Swelling in your legs or feet (not caused by walking)	<input type="checkbox"/>	<input type="checkbox"/>
f. Heart arrhythmia (heart beating irregularly)	<input type="checkbox"/>	<input type="checkbox"/>
g. High blood pressure	<input type="checkbox"/>	<input type="checkbox"/>
h. Any other heart problem that you've been told about	<input type="checkbox"/>	<input type="checkbox"/>
6. Have you <i>ever had</i> any of the following cardiovascular or heart symptoms?	<input type="checkbox"/>	<input type="checkbox"/>
a. Frequent pain or tightness in your chest	<input type="checkbox"/>	<input type="checkbox"/>
b. Pain or tightness in your chest during physical activity	<input type="checkbox"/>	<input type="checkbox"/>
c. Pain or tightness in your chest that interferes with your job	<input type="checkbox"/>	<input type="checkbox"/>
d. In the past two years, have you noticed your heart skipping or missing a beat	<input type="checkbox"/>	<input type="checkbox"/>
e. Heartburn or indigestion that is not related to eating	<input type="checkbox"/>	<input type="checkbox"/>
f. Any other symptoms that you think may be related to heart or circulation problems	<input type="checkbox"/>	<input type="checkbox"/>
7. Do you <i>currently</i> take medication for any of the following problems?	<input type="checkbox"/>	<input type="checkbox"/>
a. Breathing or lung problems	<input type="checkbox"/>	<input type="checkbox"/>
b. Heart trouble	<input type="checkbox"/>	<input type="checkbox"/>
c. Blood pressure	<input type="checkbox"/>	<input type="checkbox"/>
d. Seizures	<input type="checkbox"/>	<input type="checkbox"/>
8. If you've used a respirator, have you <i>ever had</i> any of the following problems? (If you've never used a respirator, check the following space and go to question 9.) £	<input type="checkbox"/>	<input type="checkbox"/>
a. Eye irritation	<input type="checkbox"/>	<input type="checkbox"/>
b. Skin allergies or rashes	<input type="checkbox"/>	<input type="checkbox"/>
c. Anxiety	<input type="checkbox"/>	<input type="checkbox"/>
d. General weakness or fatigue	<input type="checkbox"/>	<input type="checkbox"/>
e. Any other problem that interferes with your use of a respirator	<input type="checkbox"/>	<input type="checkbox"/>
9. Would you like to talk to the health care professional who will review this questionnaire about your answers to this questionnaire?	<input type="checkbox"/>	<input type="checkbox"/>

Approved_____

Deferred_____

Medical Provider

Date



Pete Ricketts, Governor

Policy Directive 020-013

DATE: March 26, 2020

TO: Executive Steering Council

FROM: Scott R. Frakes, Director

RE: Policy 201.01, *Inmate Classification*
Policy 113.17, *Inmate Work/Program Assignments and Stipends*

Effective March 26, 2020, the following changes will be in effect concerning the above mentioned Policies. These revisions will be incorporated into Policy 201.01 and Policy 113.17 during the next scheduled review. You may contact Deputy Director – Programs Dawn-Renee Smith with questions regarding these changes.

Policy 201.01, Page 13, Procedure V.F., update language as shown below.

- F. Community B (4B) An assignment to community B custody (“work release”) indicates the individual is ready to seek and obtain work in the community without staff supervision. Assignment to community B custody is based on behavior and individuals may be demoted in custody at the warden’s discretion. The individual must complete the Work/Educational Release Application, which will require the warden’s approval as the prior to promotion. Participation on work release is restricted to the State of Nebraska. Possible facility assignments include the Community Corrections Center – Lincoln and the Community Corrections Center – Omaha.

Due to the COVID-19 response, individuals who are classified to community B custody status who are laid off or terminated from their jobs will be temporarily demoted to community A custody status in order to cease charging maintenance fees associated with community B custody. Unit staff will present the individual with a waiver of due process form and make the demotion immediate and allow for immediate promotion back to 4A custody. Individuals who are demoted under these circumstances will be permitted to continue job seek, with staff approval, and will be promoted back to community B custody when they are able to return to their former job or obtain a new job providing there is no new information that would prohibit community B custody classification. While in temporary community A status, individuals will be assigned a detail job if available or will receive lay-in pay. If an individual opts not to sign the waiver, notice of a classification hearing will be provided consistent with policy and no change to the custody will be made until the classification process is complete. (Attachment E)

Scott R. Frakes, Director

Dept of Correctional Services

P.O. Box 94661 Lincoln, NE 68509-4661
Phone: 402-471-2654 Fax: 402-479-5623

corrections.nebraska.gov

FACTOR	COMMUNITY B (4B) CRITERIA
Institutional Behavior	No escape (includes walkaway) within previous 12 months (<i>REQUIRED for this custody level</i>)
Sentence Structure	Parole Board Hearing within 12 months and/or TRD within 12 months (<i>REQUIRED for this custody level</i>)
Special Circumstances	Spent at least 30 days at community A custody within the previous 12 months (<i>REQUIRED for this custody level</i>)

Policy 201.01, Page 14, Reference, add Attachment E.

III. ATTACHMENTS

- A. Community Custody Assignment Approval Form
- B. Classification Appeal Form
- C. WEC Community Programming Approval Form
- D. NDCS Work/Educational Release Application (DCS-A-clc-010-pc)
- E. Temporary Demotion/Promotion Waiver of Notice and Hearing

Policy 113.17, Page 18, Procedure XIV.J., update language as shown below.

- J. When an institution imposes action, which prevents inmate(s) from performing their work assignments, through no fault of the inmate(s), the inmate(s) shall be paid lay-in stipend. Lay-in stipends must be activated by Accounting before the option is available for an institution. The Business Manager or Warden can request that lay-in stipend be enabled on a permanent basis or as needed. Lay-in stipends are paid at the minimum daily stipend rate. Lay-in stipend may be paid by checking the appropriate box on a roster. Inmates unable to work as the result of a lockdown, modified operations, or other security event from an inmate disturbance or incident shall not receive lay-in stipend.

During the COVID-19 response, individuals assigned to a community corrections center who are laid off or terminated from their job, will be temporarily demoted to community A custody status to cease paying maintenance fees. They will be assigned a detail job during the demotion. If the facility is unable to assign a detail job, the individual will be paid a lay-in stipend until a detail job becomes available.

Scott R. Frakes, Director

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**NEBRASKA DEPARTMENT OF CORRECTIONAL SERVICES
TEMPORARY DEMOTION/PROMOTION
WAIVER OF NOTICE AND HEARING**

I, _____, #_____ agree to waive my notice of hearing and classification hearing in order to be temporarily demoted to community A custody status due to my recent lay-off or termination from my work release job as a result of COVID-19.

I understand that I will be assigned a detail job and permitted to continue job seeking, as approved by my unit staff, during this temporary demotion.

I understand that I will be promoted to community B when I have secured employment in the community. I agree to waive my notice of hearing and classification hearing in order to return to community B custody.

I understand that if my behavior warrants, I may not be promoted to 4B custody and assigned permanently to community A custody. If this occurs, a classification action will be initiated as per Policy 201.01.

Inmate Signature

Date

Staff Witness Signature

Date

201.01 Attachment E

FOR IMMEDIATE RELEASE (20-46)

CONTACT Laura Strimple, Chief of Staff

OFFICE 402-479-5713 | laura.strimple@nebraska.gov

Enhanced staff screenings launched at NDCS buildings

March 31, 2020 (Lincoln, Neb.) Staff members with the Nebraska Department of Correctional Services (NDCS) are undergoing an enhanced screening process in order to be admitted within the agency's facilities and office buildings. The screen consists of answering a set of questions concerning exposure to someone with COVID-19, recent travel by plane and a list of related symptoms.

"This is the same screening process that we have been using with visitors, contractors and others who require entry into our facilities," said NDCS Director Scott R. Frakes. "We have now expanded it to include staff members."

Previously, staff members had been asked to self-assess and report any illness to a supervisor prior to reporting to their work site. The new process began late last week.

"This helps ensure no one enters a NDCS facility or other work location who has the potential to expose others to the virus" explained Dir. Frakes.

So far, there have been no confirmed cases of coronavirus (COVID-19) associated with any inmates or staff members. Precautions that have been implemented in the community to reduce transmission of the illness have been mirrored within prison facilities as much as possible.

"For example, we have reduced group sizes to less than 10, and are enforcing social distancing. We have changed our meal time practices to avoid having large groups of people in the dining halls. Even when inmates are exercising outside, we have directed them to maintain social distancing," noted Dir. Frakes.

Staff members and inmates have manufactured more than 960 gallons of hand sanitizer through Cornhusker State Industries (CSI). A small portion of the product is

being made available directly to staff members, for their own use while on the job. Eighty-five percent of production will be distributed at no cost to other public agencies.

“While soap and water remains the best standard for handwashing, staff being able to carry sanitizer in their pockets is a valuable alternative,” said Dir. Frakes.

Not unlike those in the community, inmates on work release are also experiencing the impact of job-related loss. “Last week, we suspended the fees that we normally charge for housing, for anyone who was laid off or terminated from their job,” said Dir. Frakes. “It’s particularly hard for individuals who are preparing for release to realize they are no longer getting a paycheck.”

“We will continue to make decisions consistent with the safety and security of our teammates and inmates,” continued Dir. Frakes. “The focus remains on flattening the curve of COVID-19, so that our resources remain adequate as we ride out the coming weeks and perhaps, months.”

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NDCS Mission: Keep people safe.

NDCS Vision: Safe Prisons – Transformed Lives – Safe Communities

NDCS Values: Integrity – Respect – Compassion – Growth – Excellence

FOR IMMEDIATE RELEASE (20-48)

CONTACT Laura Strimple, Chief of Staff
OFFICE 402-479-5713 | laura.strimple@nebraska.gov

All NDCS staff to wear masks on the job

April 2, 2020 (Lincoln, Neb.) Today, Scott R. Frakes, director of the Nebraska Department of Correctional Services (NDCS) announced that staff members will be required to wear face masks while at work. The mandate will apply to staff members who work in the agency's 10 prison facilities, Cornhusker State Industries (CSI) and in all office buildings and warehouses.

"We continue to take steps as circumstances warrant that will best protect our teammates, our inmates and the public," said Dir. Frakes.

In addition to staff members, anyone who has business within an NDCS building will be asked to don a mask prior to entry. The list will include contractors, vendors, members of the Board of Parole, attorneys, and others. The masks are designed and manufactured by CSI. They can be hand washed and reused each day. Distribution of the masks will be prioritized, starting at the prison facilities. By early next week, all staff members in every building will have one.

In addition to wearing masks, anyone entering an NDCS building will undergo an expanded screening process that includes answering questions pertaining to potential exposure to COVID-19. Screening of outside visitors has been happening for some time. Staff screening started last week.

"The landscape is changing daily in terms of new information that we receive about this illness and how best to prevent it," admitted Dir. Frakes. "NDCS will do what is necessary to stay one step ahead of the curve."

"Handwashing, excellent sanitation, social distancing and limiting community contact remain just as important as the use of a mask," said Dir. Frakes. "We don't want teammates to think that a mask is the ultimate form of protection. We must continue to fire on all cylinders if we are to reduce the transmission of COVID-19."

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FOR IMMEDIATE RELEASE (20-49)

CONTACT Laura Strimple, Chief of Staff
OFFICE 402-479-5713 | laura.strimple@nebraska.gov

NDCS staff member tests positive for COVID-19

April 4, 2020 (Lincoln, Neb.) – Today, Director Scott R. Frakes announced that a staff member in the Nebraska Department of Correctional Services (NDCS) has tested positive for the coronavirus (COVID-19). The staff member is employed at the Nebraska State Penitentiary (NSP) and has been isolated at home for the past 10 days.

This is the first confirmed case of COVID-19 to be diagnosed among any inmates or staff members in NDCS. No other individuals who have been in contact with the staff member have indicated symptoms consistent with COVID-19. The case has been reported to the Lincoln-Lancaster County Health Department.

On Friday, April 3, 2020, staff members started wearing masks within all NDCS prison facilities and buildings, including Central Office, where most of the agency's administrative team members work. The masks, orange in color and made from a polyester/cotton blend, are being manufactured by Cornhusker State Industries (CSI). Distribution of masks will continue through the weekend.

"Based on community spread and the increased availability of testing, we've been preparing for the scenario in which staff members or inmates tested positive for COVID-19," said Dir. Frakes. "Having staff members in protective masks will help reduce the transmission of the illness through airborne droplets."

Staff members have also been undergoing an entry screening process – answering a series of questions to assess their potential exposure to COVID-19. The agency is awaiting a shipment of thermometers that will be utilized to detect fever in staff members who arrive for work.

"The agency placed an initial order for thermometers several weeks ago which was stolen during delivery. It is expected that the second shipment will arrive soon," noted Dir. Frakes.

“Again, the masks are a way to prevent others from catching what you might already be carrying. We will continue to make decisions as circumstances evolve and in the best interest of the safety of those who work live and work in our facilities.”

###

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